Judge Marc L. Barreca
Hearing Location: Room 7106
700 Stewart St., Seattle, WA 98101
Hearing date: August 30, 2013
Hearing time: 9:30 a.m.
Response due: August 23, 2013

UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE: ADAM R. GROSSMAN, Debtor.	CHAPTER 7 CASE NO. 10-19817 TRUSTEE'S OBJECTION TO CLAIM NO. 16-1 OF LYMAN C. OPIE, MOTION, NOTICE OF HEARING AND PROOF OF SERVICE

TO: LYMAN C. OPIE

NOTICE

PLEASE TAKE NOTICE that a hearing on the below objection and motion shall occur on **Friday, August 30, 2013 at 9:30 a.m. before Judge Marc L. Barreca, at the U.S. Bankruptcy Court, in Room 7106, U.S. Courthouse, 700 Stewart Avenue, Seattle, Washington 98101.** The Clerk is requested to note the motion on the docket for that date and time.

YOU ARE FURTHER NOTIFIED that, in accordance with local rules, any responses or objections to the below objection and motion must be made in writing and filed with the US Bankruptcy Court, Room 6301, US Courthouse, 700 Stewart Street, Seattle, Washington 98101; and a copy of any such response or objection must be served upon Judge Barreca via the Court's electronic case filing ("ECF") system or via the Office of the Clerk of the Court and upon the undersigned **no later than the "Responses due" date shown in the upper right hand corner of this pleading**. If responses or

KRIEGMAN LAW OFFICE, PLLC
600 University Street, Suite 2100
Seattle, WA 98101
(206) 903-0344

objections are not timely filed, the Court may strike the hearing and grant the relief requested in the objection and motion on an ex parte basis.

OBJECTION

COMES NOW Ronald G. Brown, the trustee in the above entitled case, through his undersigned attorney, and objects to the allowance of Claim No. 16-1 of Lyman C. Opie ("Claimant")[1] in the amount of $238,504.64 as a priority or administrative claim pursuant to 11 U.S.C. §507(a)(2). The Trustee objects to this claim on the following grounds:

> According to documentation accompanying the claim, the claim is based upon pre-bankruptcy promissory notes from the Debtor to Claimant under which Claimant made payments totaling, in principal, $185,000.00. All of the payments from Claimant were made prior to the date of bankruptcy filing except for $20,000.00 which was paid post-bankruptcy. The Trustee is not aware of any valid basis for classifying this claim (in whole or part) as a priority or administrative claim since, among other things, there is no evidence that it was an actual, reasonable or necessary expense of the bankruptcy estate. Thus the claim cannot and should not be allowed as a priority or administrative claim. The claim includes $14,042.64 for attorneys fees and costs through January 31, 2012. The Trustee is not aware of any basis for awarding fees and costs to Claimant and, in any event, there is no supporting documentation substantiating any such fees and costs. The Trustee further objects to the claim because there is no authentication of the promissory notes either in terms of when they were executed and/or that Claimant has possession of the originals thereof. The documentation accompanying the claim indicates that all of Claimants' payments were made payable to parties other than the Debtor (i.e., Terrington Davies Capital ("TDC") and the Tsai Law Firm). The promissory notes, it appears, were not executed either before the payments were made or contemporaneously therewith. As such, proof is required as to when the promissory notes were executed and that the payments, none of which were made to the Debtor, were intended as loans to the Debtor as opposed to either loans to TDC or gifts for the benefit of TDC or the Debtor.
>
> The Trustee will consider modifying or withdrawing this objection and stipulating to allowance of this claim in whole or part if Claimant on or before the Response Date provides the Trustee with satisfactory proof which establishes the basis for remedying the deficiencies identified herein and showing the validity and amount of the claim.[2]

---

[1] The Clerk of the Court has assigned a number to each proof of claim filed with the Court and prepared a register of claims which can be inspected at the Court or via the internet through the Court's electronic case filing system (ECF).

[2] To the extent that Claimant substantiates through satisfactory further proof an allowable claim, the Trustee anticipates proposing the allowance of the claim as a separate liability of the Debtor (i.e., not a community liability), in accordance with Bankruptcy Code §§541(a)(2) and 726(c), due to the Trustee's understanding that the transaction upon which Claim No. 16-1 is based was after the Debtor and his ex-spouse were separated.

KRIEGMAN LAW OFFICE, PLLC
600 University Street, Suite 2100
Seattle, WA 98101
(206) 903-0344

THEREFORE, absent additional documentation and proof, Claim No. 16-1 of Lyman C. Opie should be disallowed.

MOTION

The Trustee hereby moves this Court for an order sustaining the foregoing objection for the reason(s) that are set forth above, and on the following basis: (a) under Federal Bankruptcy Rule of Procedure 3007, an objection to a proof of claim may be sustained at a hearing held on 30 days notice; (b) the allowance or disallowance of a proof of claim is a core matter under 28 U.S.C. §157(b)(2)(B). Therefore, the Trustee requests that Claim No. 16-1 be disallowed.

DATED this 12th day of July, 2013

KRIEGMAN LAW OFFICE, PLLC

/s/ Bruce P. Kriegman
Bruce P. Kriegman, WSBA #14228
Attorney for Trustee

PROOF OF SERVICE

I hereby declare under penalty of perjury under the laws of the United States that on the date indicated below, I served a copy of the foregoing document in the manner specified to Claimant as follows:

Lyman C. Opie
c/o Hugh R. McCullough
Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101-3045
[via ECF to his ECF registered e-mail: hughmccullough@dwt.com]

Adam R. Grossman
5766 - 27th Ave. NE
Seattle, WA 98105
[via first class U.S. mail, postage prepaid]

Jill Borodin
c/o Shelly Crocker, Esq.
(scroker@crockerlaw.com) and Steven J. Reilly, Esq. (sreilly@crockerlaw.com) and Todd Tracey, Esq.
(ttracey@crockerlaw.com)

KRIEGMAN LAW OFFICE, PLLC
600 University Street, Suite 2100
Seattle, WA 98101
(206) 903-0344

Attorneys for Ms. Borodin; and
All Other Parties Registered on ECF for the case

[via ECF to their, respective, ECF registered e-mail addresses]

DATED this 12th day of July, 2013

/s/ Susan L. Blan
Susan L. Blan, Paralegal

KRIEGMAN LAW OFFICE, PLLC
600 University Street, Suite 2100
Seattle, WA 98101
(206) 903-0344